

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JAMES CLEMENS,)	
)	
Petitioner,)	
)	
v.)	CV417-040
)	
JOSE MORALES, Warden,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION

This Court ordered petitioner James Clemens to respond to “respondent’s contentions that there was never any detainer to trigger the IADA¹ or that, in any event, he failed to comply with its provisions and failed to exhaust his available state habeas remedies,” as well as the effect (if any) of his “waiver of extradition” which may well have mooted the entire controversy. Doc. 26 at 4 (“afford[ing] Clemens an opportunity to respond, either admitting these defects, withdrawing his petition, or combatting respondent’s arguments.”). That order was served upon Clemens but has come back as undeliverable, with no

¹ The Interstate Agreement on Detainers Act (IADA), 18 U.S.C. App. pp. 585-620 (1985), is a congressionally sanctioned interstate compact which establishes a procedure for a prisoner incarcerated in one state to demand the speedy disposition of “any untried indictment, information, or complaint” that is the basis of a detainer lodged against him by another state.

forwarding address. Doc. 27. Per S.D. Ga. L. R. 11.1, it was his continuing duty to keep the Court apprised of his current address. Without it, the Court cannot move this case forward or even communicate with him.

A court has the power to prune from its docket those cases that amount to no more than mere deadwood. Accordingly, James Clemens' § 2241 motion should be **DISMISSED** without prejudice for his failure to prosecute this action. S.D. Ga. L. R. 41(b); *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir. 1989).

This Report and Recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; see *Symonett v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. U.S.*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 23rd day of May, 2017.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA